

**REMARKS**

In the Office Action, claims 1-28 were rejected. By this response, claim 28 has been amended. In addition, the Specification has been amended to perfect the claim of priority that was made in the transmittal letter filed with the application, but not entered by the U.S. Patent & Trademark Office. Upon entry of these amendments, claims 1-28 will remain pending in the present application. Reconsideration of the rejections and allowance of the pending claims are respectfully requested.

**Rejection Under 35 U.S.C. § 112**

In the Office Action, claim 28 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that: "Claim 28 is incomplete and therefore it is not clear what Applicant is attempting to claim. Therefore, this claim has not been examined on the merits."

Claim 28 clearly contained a typographical error and has been amended in light of the Examiner's comments. The amendment has not altered the scope of the original claim. Withdrawal of the rejection is respectfully requested.

**Rejection Under 35 U.S.C. § 102**

In the Office Action, claims 1-26 were rejected under 35 U.S.C. § 102(b): as being anticipated by Braden et al., (hereinafter "Braden"), U.S. Patent No. 4,146,795. Applicants respectfully traverse this rejection.

Claims 1-26 are allowable because the Examiner has failed to establish a *prima facie* case of anticipation of the claims. A *prima facie* case of anticipation under 35 U.S.C. §102 requires a showing that each limitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed

invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Therefore, if the claims recite even one feature not found in the cited reference, the reference cannot be said to anticipate the claimed subject matter.

**Claims 1-10**

For example, the Examiner has failed to establish a *prima facie* case of anticipation of independent claim 1 because the Braden reference does not disclose all of the recited features of independent claim 1. Independent claim 1 recites the following:

1. A cable management system, comprising:  
a flexible cable harness adapted to support at least one electrical cable;  
a first support member securable to the cable harness; and  
a second support member securable to the cable harness, wherein the harness is suspended between the first and second support members.

In the Office Action, the Examiner stated, in pertinent part, that:

Braden et al. discloses a flexible cable harness (H) and a first support member (222) securable to the cable harness. There is a second support member (186) securable to the cable harness and the harness is suspended between the first and second support members (only a portion of the harness is between the members, but the same is true of Applicant's harness).

However, the Braden reference does not disclose "a flexible cable harness adapted to support at least one electrical cable," as recited in claim 1. The Braden reference states that the Braden invention includes a harness H and that the harness H is comprised of cable rows H1, H2, and H3. *See* Braden, col. 7, lines 51-55. However, it appears that the harness H of Braden is simply the collection of cables in the cable rows H1, H2, and H3

and does not appear to be a distinct item. For example, Figure 5 of Braden has a reference arrow labeled “H” that is directed toward the cable rows H1, H2, and H3. However, there is no specific feature in Figure 5 that corresponds to the arrow labeled “H”, or that suggests a harness. Furthermore, each of the cables in the cable rows H1, H2, and H3 appear to be separate from one other. There does not appear to be anything wrapped around the cable rows H1, H2, and H3 that might suggest a harness. In addition, Figures 6 and 9 both provide cross-sectional views of cable rows H1, H2, and H3 that do not show a harness. In fact, there is nothing in the figures that suggests the harness H as distinct from the cable rows H1, H2, and H3 themselves. Furthermore, to suggest anything more about the harness H other than it comprises the cable rows H1, H2, and H3, would be to engage in speculation. In conclusion, there simply is nothing in the Braden reference that represents “a flexible cable harness adapted to support at least one electrical cable,” as recited in claim 1.

In addition, the Braden reference does not disclose “a first support member” or “a second support member,” as recited in claim 1. The Braden reference discloses a cable 222 and a roller chain 186 that the Examiner asserts represent “a first support member” and “a second support member,” respectively. However, the Braden reference discloses that the roller chain 186 extends not to the cable rows H1, H2, and H3, but to a mounting bracket 168 of a cable wheel assembly 122. *See Braden*, col. 7, lines 41-46. Furthermore, the cable wheel assembly 122 is not securable to the cable rows H1, H2, and H3. Thus, the roller chain 168 is not “a second support member securable to the cable harness,” as recited in claim 1. In addition, the Braden reference also discloses that the cable 222 of Braden extends *downward* from a bracket 220 disposed over the cable rows H1, H2, and H3 to a spring reel 224 mounted to traverse frame 78 *below* the cable rows H1, H2, and H3. *See Braden*, col. 8, lines 38-42 and FIG. 2. The spring reel 224 and cable 222 maintain a slight *downward* tension on the cable rows H1, H2, and H3 as the traverse frame is moved. *See Braden*, col. 8, lines 60-68 and FIG. 2. Accordingly, the cable rows H1, H2, and H3 cannot be said to be *suspended* between the cable 222 and the

roller chain 186 because the cable 222 is pulling the cable rows H1, H2, and H3 downward, not holding them up. Thus, the cable 22 of Braden is not “a first support member securable to the cable harness...wherein the harness is *suspended* between the first and second support members,” as recited in claim 1.

For all of these reasons, the Braden reference does not disclose all of the recited features of claim 1. Accordingly, the Examiner has not established a *prima facie* case of anticipation of claim 1. In addition, claims 2-10 depend from claim 1 and, therefore, also are not anticipated by the Braden reference.

Furthermore, the Examiner stated that:

Claims 4-7 and 12-15 contain limitations to the structure of the electrical cable, the rack, and the electronic device. However, the structure of those objects is not positively recited in the claims and therefore the limitations have been given no patentable significance.

However, this assertion is incorrect factually and legally. First, claims 4-7 and 12-15 do contain structure that is positively recited. Second, a claim may have a functional limitation, as opposed to a structural limitation. A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. *See* M.P.E.P. § 2173.05(g):. Furthermore, the Examiner provided no statutory authority for the assertion. Therefore, the Examiner must give patentable weight to the limitations in claims 4-7 and 12-15.

#### **Claims 11-15 and 16-20**

As with claim 1, the Braden reference does not disclose all of the recited features of independent claim 11 or independent claim 16. For example, the Braden reference

does not disclose “means for securing a harness to at least one electrical cable secured to a movable electrical device,” as recited in claim 11. As noted above, the Braden reference discloses cables rows H1, H2, and H3, but does not disclose a harness that is secured to at least one electrical cable. Thus, Braden cannot disclose “means for securing a harness to at least one electrical cable secured to a movable electrical device,” as recited in claim 11.

Furthermore, as noted above, the cable 222 of Braden extends toward the cable rows H1, H2, and H3 from below. Thus, the cable 222 cannot represent “means for supporting the harness *from* a first flexible member,” as recited in claim 11. In addition, the Braden reference discloses that the roller chain 186 also extends toward the cable wheel assembly 122 from below. Thus, the roller chain 186 cannot represent “means for supporting the harness *from* a second flexible member,” also as recited in claim 11.

Furthermore, since the Braden reference discloses that both the cable 222 and the rolling chain 186 extend towards the cable rows H1, H2, and H3 from below, the Braden reference does not disclose “coupling a first flexible member to the harness to enable the first flexible member to support the harness *therefrom*” or “coupling a second flexible member to the harness to enable the second flexible member to support the harness *therefrom*,” as recited in independent claim 16 (Emphasis added).

Accordingly, the Examiner has not established a *prima facie* case of anticipation of independent claims 11 or 16. In addition, claims 12-15 and 17-20 depend from independent claims 11 and 16, respectively. Therefore, claims 12-15 and 17-20 also are not anticipated by the Braden reference.

#### **Claims 21-26 and 28**

Finally, the Braden reference does not disclose “a flexible harness securable to at least one cable coupleable to the movable device” and “a first support member coupled to the device and securable to the harness to *suspend* a first portion of the at least one cable

as the device is moved,” as recited in independent claim 21. As noted above, the cable rows H1, H2, and H3 do not constitute a “harness” as the cables are not suspended by either the cable 22 or the rolling chain 186. Thus, the Braden reference does not disclose the recited features of independent claim 21.

Accordingly, the Examiner has not established a *prima facie* case of anticipation of independent claim 21. In addition, claims 22-26 and 28 depend from independent claim 21. Therefore, claims 22-26 and 28 also are not anticipated by the Braden reference.

For all of these reasons, claims 1-26 and 28 are not anticipated by the Braden reference. Withdrawal of the rejection and allowance of the claims are respectfully requested.

**Rejection Under 35 U.S.C. § 103**

In the Office Action, claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Braden, in view of Kurmis, U.S. Patent No. 5,050,649. Applicants respectfully traverse the rejection.

Claim 27 depends from independent claim 21. For the reasons provided above, the Braden reference does not disclose all of the recited features of claim 21. The Kurmis reference does not obviate the deficiencies of the Braden reference in failing to disclose all of the recited features of claim 21. Thus, the cited references do not disclose all of the recited features of claim 21. Therefore, claim 27, as well as claim 21, is patentable over the cited references. Withdrawal of the rejection and allowance of the claim are respectfully requested.

**Conclusion**

In view of the above remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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